

Council of the City of Wheeling met in Council Chambers, City-County Building, on the above date, with Mayor Glenn Elliott presiding.

The invocation was offered by Reverend Jake Steele.

On roll call, the following were present:

Elliott, Thalman, Imer, Scatterday, Thorngate and Palmer - 6

Mr. Wilson was absent - 1

Mr. Thalman moved, seconded by Mr. Thorngate, that the minutes of the August 16, 2016 meeting be approved as received with one correction. Under Original Propositions, the Resolution regarding the hiring of a new position for “strategic services,” etc. should have reflected that Mr. Palmer voted “no” on the final adoption of the Resolution. The motion on the minutes, with correction, carried.

Mr. Thalman moved, seconded by Mr. Palmer, to suspend the regular order of business to conduct three public hearings. Motion carried.

**“Public Hearing - Community Development Block Grant (CDBG) Program and Home Investment Partnership (HOME) Program - Performance Hearing Fiscal Year 2015 (July 1, 2015 to June 30, 2016)”**

City Manager Robert Herron explained that the purpose of this hearing is to provide the public with an opportunity to assess and evaluate the City’s performance in regard to the administration of CDBG Program and HOME Program during Fiscal Year 2015. It was noted that no one signed up to speak.

**“Public Hearing - State Required Code Adoptions”**  
**International Building Code 2015**  
**International Plumbing Code 2015**  
**Mechanical Code 2015**  
**Fuel Gas Code 2015**  
**Property Maintenance Code 2015**  
**Energy Conservation Code 2009/Amendments**  
**Residential Code 2015**  
**Existing Building Code 2015**  
**American National Standards for Accessibility 2009/Amendments**  
**“National Electric Code, NFPA 70- 2014**

Mr. Herron explained that whenever the State updates the various building codes, it is required that the City does so also. No one signed up to speak.

**“Public Hearing - Ordinance Authorizing Submission of an Amendment to the City’s Home Rule Plan to the Home Rule Board - Requesting Approval of Alcoholic Beverages Beginning at 10:00 A.M. on Sundays”**

Mr. Herron explained that this is an amendment to our Home Rule Plan to allow that alcoholic beverages be served beginning at 10:00 a.m. on Sundays. He said that it has to be approved by the Home Rule Board prior to it coming to Council for a final vote. He is anticipating, if approved, it will be on the October 4, 2016 agenda for first reading. In response to a question from Mayor Elliott as to when it will go into effect, Mr. Herron said that the second reading would occur on October 20<sup>th</sup> and it would be effective immediately upon passage. No one signed up to speak at this public hearing.

Mr. Thalman moved, seconded by Mr. Palmer, to conclude the public hearings and resume the regular order of business.

**MAYOR’S REPORT**

Mayor Elliott thanked Dan and Debbie Joseph for their hard work on the Vintage Riverboat Regatta that was held at the Waterfront this past weekend. He said that it’s a wonderful event and benefits a great cause - Easter Seals.

Mayor Elliott explained that, as a result of the Comprehensive Plan that was adopted in 2014, surveys of different sections of the City are being conducted. The first one was in the Warwood area and now they are conducting surveys in the South Wheeling area. The forms are available on the City's website.

In regard to the work session with the Human Rights Commission that was held on Thursday, September 1, Mayor Elliott reported that an informative discussion occurred and another work session is scheduled for October 3 at 7:30 p.m. and a possible draft ordinance could be reviewed and discussed.

Relevant to Item 9/12 listed under Original Propositions, which is the option agreement for 1437 Market St., Mayor Elliott said it is the City's goal to put together 4 parcels so that they can be marketed together for economic development.

Mayor Elliott announced that Executive Director Jake Dougherty has received a Design Assistance Grant for properties located at 1107 and 1109 Main Street. The grant is for architectural services.

Mayor Elliott announced that the City has had conversations with the Department of Highways regarding the National Road Project. We asked if the pylons could be removed at the end of the day and they said it would be an additional project expense and require a change order.

### **CLERK'S REPORT**

#### Notice of Application to Operate a Private Club - Vagabond Kitchen - 1201 Market St.

City Clerk Janice Jones presented Council with a Notice of Application to Operate a Private Club for Vagabond Kitchen, located at 1201 Market St. The applicant is Matthew Welsh.

#### Notice of Application to Operate a Private Club - Dugger's Market - 195 - 29<sup>th</sup> Street

City Clerk Janice Jones presented Council with a Notice of Application to Operate a Private Club for Dugger's Market, located at 195 - 29<sup>th</sup> Street. The applicant is Douglas Hlad.

### **UNFINISHED BUSINESS**

#### ORDINANCE AUTHORIZING SUBMISSION OF AN AMENDMENT TO THE CITY'S HOME RULE PLAN TO THE HOME RULE BOARD - REQUESTING APPROVAL OF ALCOHOLIC BEVERAGES BEGINNING AT 10:00 AM. ON SUNDAYS

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY OF WHEELING TO SUBMIT TO THE MUNICIPAL HOME RULE BOARD A PROPOSED AMENDMENT, ATTACHED HERETO AS EXHIBIT A, TO THE CITY OF WHEELING'S MUNICIPAL HOME RULE PLAN CONSISTENT WITH WEST VIRGINIA CODE § 8-1-5a, REQUESTING APPROVAL TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES BY CERTAIN ALCOHOL BEVERAGE CONTROL ADMINISTRATION CLASS "A" LICENSE HOLDERS BEGINNING AT 10:00 A.M. ON SUNDAYS.

The ordinance was read a second time by title. Mr. Thalman moved, seconded by Mr. Thorngate, that the ordinance be adopted.

The vote on the motion resulted as follows:

AYES: Elliott, Thalman, Imer, Scatterday, Thorngate, Palmer

NOES:

- 0

A majority of all those elected to Council having voted in favor, the Mayor thereupon declared the ordinance adopted.

Ms. Scatterday moved, seconded by Mr. Imer, that the Planning Commission Minutes, 7/11/16; CDBG Program Status Report, 7/31/16; HOME Program Status Report, 7/31/16; Police Civil Service Commission Annual Report, FY 2015; Fire Civil Service Commission Annual Report, FY 2015; Municipal Civil Service Commission Annual Report, FY 2015; and Financial Statement, 7/31/16; which were held over, be approved as received. Motion carried.

At this time, Mayor Elliott recognized the passing a Bill O'Leary, a longtime attendee and participant at many City Council meetings.

### **REMARKS FROM MEMBERS OF COUNCIL**

Ms. Scatterday announced the there will be Grow Warwood Pride Clean Up on September 17 in Warwood at the Garden Park. This is a sub-group of Wheel Help.

### **REPORT OF COMMITTEES**

As Mr. Thalman gave a brief overview of the Finance Committee Meeting at the August 16 City Council meeting, he moved, seconded by Mr. Palmer, to dispense with the reading of the minutes and accept them as received. Motion carried. For the record they are as follows:

#### **FINANCE COMMITTEE REPORT - AUGUST 16, 2016**

The Finance Committee of Wheeling City Council met on Tuesday, August 16, 2016 at 5:00 p.m. in City Council Chambers. Committee Members present: Chair Chad Thalman, Vice Chair Dave Palmer, Member Wendy Scatterday. Others present: Mayor Glenn Elliott, Councilors Ken Imer, Brian Wilson and Ty Thorngate; City Manager Robert Herron, City Solicitor Rosemary Humway-Warmuth; Finance Director Seth McIntyre, City Clerk Janice Jones and the media.

The following matters were discussed:

#### **Financial Statement - July 31, 2016**

City Manager Robert Herron reported that we're beginning the new fiscal year on a strong note. He reported that the General Fund Balance at the end of July 2016 is \$3,101,000.00, compared to last year's balance of \$2,511,000.00; the budget stabilization fund is \$1,055,000.00, compared to last year's balance of \$504,000.00. Mr. Herron also reported that revenues for July, 2016 are approximately \$4,044,000.00 compared to \$3,670,000.00 last year and that expenditures for July 2016 are approximately \$2,602,000.00 compared to \$2,552,000.00 last year. He commented that, typically, July is a heavy expenditure month, as we pay our insurance premiums then. Mr. Herron said that expenditures are at 8% of budget and revenues are at 12% of budget. He pointed out that there is a significant increase in the municipal sales tax revenue line item of \$780,000.00 as this reflects a full year of municipal sales tax revenue. Following a short discussion, Member Scatterday moved, seconded by Member Palmer, to accept the July 31, 2016 Financial Statement as presented.

#### **Other Items for Discussion**

Mr. Herron distributed an addendum to the Budget Revision that was previously distributed. The original revision did not contain the cash carryover recommendations that were approved at the last Finance Committee meeting.

There being no further business to come before the Committee, Mr. Thalman moved, seconded by Ms. Scatterday, to adjourn. Time: 5:10 p.m.

### **REPORT OF CITY MANAGER**

Mr. Herron reiterated Mayor Elliott's remarks about the National Road Project and traffic control. He announced that a similar project will be starting in Warwood in the very near future.

Mr. Herron reported that later today he will be forwarding Annual Reports for the Police and Fire Pension Funds. This is a requirement from the Police and Fire Pension Oversight Board.

At this time, Mr. Herron presented Assistant Fire Chief Paul Harto a plaque commemorating thirty years of service with the City of Wheeling Fire Department.

### **REPORT OF OTHER OFFICERS**

Ms. Scatterday moved, seconded by Mr. Imer, that the Wheeling Municipal Parking System Financial Report, 7/31/16; Robert C. Byrd Intermodal Transportation Center Financial Report, 7/31/16; Human Rights Commission Minutes, 7/19/16; Greater Wheeling Sports & Entertainment Authority Minutes, 4/26/16; Greater Wheeling Sports & Entertainment Authority Income Statement, 5/31/16 & 7/31/16, be held over until the next meeting. Motion carried.

### **ORIGINAL PROPOSITIONS**

#### AMENDING CODIFIED ORDINANCES - ARTICLE 1721 - ADOPTING INTERNATIONAL BUILDING CODE 2015

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING AMENDING AND REENACTING ORDINANCE  
14515 AND ADOPTING THAT PART OF THE STATE  
BUILDING CODE ENTITLED INTERNATIONAL BUILDING  
CODE, 2015.

#### AMENDING CODIFIED ORDINANCES - ARTICLE 1723 - INTERNATIONAL EXISTING BUILDING CODE 2015

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING AMENDING AND REENACTING ORDINANCE  
14516 AND ADOPTING THAT PART OF THE STATE  
BUILDING CODE ENTITLED INTERNATIONAL EXISTING  
BUILDING CODE, 2015.

#### AMENDING CODIFIED ORDINANCES - ARTICLE 1724 - ADOPTING INTERNATIONAL FUEL GAS CODE 2015

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING AMENDING AND REENACTING ORDINANCE  
14517 AND ADOPTING THAT PART OF THE STATE  
BUILDING CODE ENTITLED INTERNATIONAL FUEL GAS  
CODE, 2015.

#### AMENDING CODIFIED ORDINANCES - ARTICLE 1725 - ADOPTING INTERNATIONAL MECHANICAL CODE 2015

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
WHEELING AMENDING AND REENACTING ORDINANCE  
14518 AND ADOPTING THAT PART OF THE STATE  
BUILDING CODE ENTITLED INTERNATIONAL  
MECHANICAL CODE, 2015.

#### AMENDING CODIFIED ORDINANCES - ARTICLE 1726 - ADOPTING AMERICAN NATIONAL STANDARDS FOR ACCESSIBILITY 2009/AMENDMENTS

The following was then read:

AN ORDINANCE AMENDING AND REENACTING PART 17 OF THE CODIFIED ORDINANCES OF THE CITY OF WHEELING BY REENACTING ARTICLE 1726 THERETO ENTITLED AMERICAN NATIONAL STANDARDS FOR ACCESSIBILITY, USABLE BUILDINGS AND FACILITIES 2009/ICC/ANSI A117.1.

AMENDING CODIFIED ORDINANCES - ARTICLE 1729 - ADOPTING INTERNATIONAL PLUMBING CODE 2015

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ORDINANCE 14520 AND ADOPTING THAT PART OF THE STATE BUILDING CODE ENTITLED INTERNATIONAL PLUMBING CODE, 2015.

AMENDING CODIFIED ORDINANCES - ARTICLE 1731 - INTERNATIONAL RESIDENTIAL CODE 2015

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ORDINANCE 14521 AND ADOPTING THAT PART OF THE STATE BUILDING CODE ENTITLED INTERNATIONAL RESIDENTIAL CODE, 2015.

AMENDING CODIFIED ORDINANCES - ARTICLE 1733 - ADOPTING NATIONAL ELECTRIC CODE 2014

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ORDINANCE NO. 14522 OF THE CITY OF WHEELING BY AMENDING AND REENACTING SECTION 1733.01 OF ARTICLE 1733, NATIONAL ELECTRIC CODE, 2014.

AMENDING CODIFIED ORDINANCES - ARTICLE 1735 - ADOPTING INTERNATIONAL ENERGY CONSERVATION CODE 2009/AMENDMENTS

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ORDINANCE 14523 AND ADOPTING THAT PART OF THE STATE BUILDING CODE ENTITLED INTERNATIONAL ENERGY CONSERVATION CODE, 2009, AND ANSI/ASHRAE/IESNA STANDARD 90.1 - 2007 ENERGY STANDARD FOR BUILDINGS EXCEPT LOW RISE RESIDENTIAL BUILDINGS.

AMENDING CODIFIED ORDINANCES - ARTICLE 1771 - ADOPTING INTERNATIONAL PROPERTY MAINTENANCE CODE 2015

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AMENDING AND REENACTING ORDINANCE

14524 AND ADOPTING THAT PART OF THE STATE BUILDING CODE ENTITLED INTERNATIONAL PROPERTY MAINTENANCE CODE, 2015 AND ADOPTING WV. CODE §87-4-6 AND §87-4-7.

EDGCO, INC. - MAIN STREET STORM SEWER

The following was then read:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXPEND FUNDS IN THE AMOUNT OF \$753,505.00 WITH EDGCO, INC., OF LANSING, OH, FOR MAIN STREET STORM SEWER, TO BE CHARGED TO T.I.F. - PROJECT PLAN 3.

OPTION AGREEMENTS - 1431 MARKET STREET

The following was then read:

AN ORDINANCE OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE CITY MANAGER TO EXECUTE CERTAIN OPTION AGREEMENTS FOR PURCHASE OF REAL PROPERTY LOCATED AT 1431 MARKET STREET, IN THE CITY OF WHEELING AND FURTHER AUTHORIZING THE CITY MANAGER TO COORDINATE THE EXECUTION OF SUCH AGREEMENT AND SUCH DEED AND OTHER DOCUMENTS TO EFFECTUATE THE CONVEYANCE INTENDED WITHIN SAID OPTION AGREEMENT.

RESOLUTION - AUTHORIZING SIGNATORIES - BOND ACCOUNTS - WESBANCO

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING AUTHORIZING THE DESIGNATION OF GLENN F. ELLIOTT, JR., MAYOR; ROBERT HERRON, CITY MANAGER; AND SETH D. MC INTYRE, FINANCE DIRECTOR, AS ELIGIBLE SIGNATORIES REGARDING CITY BOND ACCOUNTS ESTABLISHED AT WESBANCO, INC.

Mr. Imer moved, seconded by Ms. Scatterday, that the Resolution be adopted.  
Motion carried.

RESOLUTION - APPROVING INVOICES - WATER TREATMENT PLANT PROJECT

The following was then read:

A RESOLUTION OF THE COUNCIL OF THE CITY OF WHEELING APPROVING INVOICES RELATING TO THE CONSTRUCTION AND OTHER SERVICES FOR THE WATER TREATMENT PLANT PROJECT AND AUTHORIZING PAYMENT THEREOF.

Mr. Imer moved, seconded by Ms. Scatterday, that the Resolution be adopted.  
Motion carried.

RESOLUTION - SUPPORTING IMPROVEMENT OF THE HISTORIC REHABILITATION INVESTMENT TAX CREDIT

The following was then read:

A RESOLUTION SUPPORTING THE IMPROVEMENT OF THE HISTORIC REHABILITATION INVESTMENT TAX

CREDIT.

**WHEREAS**, West Virginia values strong, robust commercial districts that provide diversified opportunities for employment; and

**WHEREAS**, commercial real estate developers are choosing to invest in neighboring states such as Ohio and Pennsylvania instead of West Virginia due to our uncompetitive historic rehabilitation investment tax credit; and

**WHEREAS**, job creation and retention, as well as economic development opportunities are missed because commercial real estate developers are not investing in West Virginia's historic properties; and

**WHEREAS**, there are 168 historic districts throughout West Virginia that will benefit from a competitive historic rehabilitation investment tax credit; and

**WHEREAS**, West Virginia must take action to remain economically competitive with neighboring states that are benefitting from investments in historic commercial districts.

**NOW, THEREFORE, BE IT RESOLVED**, City Council of the City of Wheeling supports the improvement of the West Virginia Rehabilitation Investment Tax Credit from ten percent to twenty-five percent as described in West Virginia Code §11-24-23a. Credit for Qualified Rehabilitated Buildings Investment.

Ms. Scatterday pointed out that this is an important tool for economic development throughout the State. Mayor Elliott also noted that our neighboring states of Ohio and Pennsylvania offer the 25% Historic Tax Credit and the potential increase for West Virginia would make us more competitive. Ms. Scatterday also pointed out that this is a tax credit for monies already spent.

Mr. Imer moved, seconded by Ms. Scatterday, that the Resolution be adopted. Motion carried.

#### **THOSE WISHING TO BE HEARD**

Mr. Doug Wayt, OV Trail Partners, addressed Council about the condition of the trail along the waterfront and suggested that perhaps the cracks could be "hot-patched." He announced a meeting that will be held on Thursday, September 29, 2016 at the Artisan Center between 5:30 to 7:30 p.m. to discuss the trails.

Chuck Fair, 1290 National Rd., talked about beautification suggestions throughout the city, such as flower gardens and vegetable gardens.

Mayor Elliott told those present that we are working on various ideas and have authorized a new position which he hopes will address some of these issues.

There being no further business, Mr. Thalman moved, seconded by Ms. Scatterday, to adjourn. Motion carried. Time: 1:00 p.m.

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City Clerk

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Mayor